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FEDERAL LAW ENFORCEMENT  
WIRELESS USERS GROUP  
WASHINGTON, D.C.



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March 19, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: Comments, In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Communication Requirements Through the Year 2010, Establishment of Rules and Requirements for Priority Access Service, Fifth Notice of Proposed Rule Making, in WT Docket No. 96-86**

Dear Ms. Salas:

On behalf of the Federal Law Enforcement Wireless Users Group (FLEWUG) and pursuant to Section 1.419 of the Commission's rules, 47 C.F.R. § 1.419 (1999), enclosed herewith for filing are an original and four (4) copies of the FLEWUG's Comments in the above-referenced proceeding.

Kindly date-stamp the additional, marked copy of this cover letter and return it in the envelope provided.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,



James J. Flyzik  
Deputy Assistant Secretary  
(Information Systems) and  
Chief Information Officer,  
Department of the Treasury

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In the Matter of )

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

WT Docket No. 96-86

To: The Commission

## COMMENTS TO THE FIFTH NOTICE OF PROPOSED RULEMAKING

Filed by: The Federal Law Enforcement Wireless Users Group

Date: March 19, 2001

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
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The Development of Operational, )  
Technical and Spectrum Requirements )  
For Meeting Federal, State and Local )  
Public Safety Agency Communication )  
Requirements through the Year 2010 )  
)

WT Docket No. 96-86

**COMMENTS OF THE FEDERAL LAW ENFORCEMENT WIRELESS USERS GROUP  
IN RESPONSE TO THE FIFTH NOTICE OF PROPOSED RULEMAKING**

1. The Federal Law Enforcement Wireless Users Group (FLEWUG)<sup>1</sup> respectfully submits the following Comments in response to the Commission's Fifth Notice of Proposed Rulemaking (Fifth NPRM). In the Fourth Notice of Proposed Rulemaking (Fourth NPRM), the Commission declined to adopt specific rules regarding migration to the General Use channels until it sought further comment on the issue. Thus, the FLEWUG submits the following comments in support of its initial comments filed in the Fourth NPRM in regards to this issue.

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<sup>1</sup> The FLEWUG is composed of law enforcement and public safety officials from the Department of the Treasury, Department of Justice, Department of the Interior, Department of Agriculture, Department of Defense, Department of Health and Human Services, United States Postal Service, United States Postal Inspection Service, National Telecommunications and Information Administration, Federal Emergency Management Agency, Internal Revenue Service, Federal Bureau of Investigation, United States Secret Service, United States Coast Guard, United States Capitol Police, Drug Enforcement Administration, United States Park Police, Immigration and Naturalization Service, United States Customs Service, Bureau of Alcohol, Tobacco, and Firearms, United States Mint, National Communications System, Defense Information Systems Agency, National Security Agency, Federal Law Enforcement Training Center, Bureau of Engraving and Printing, United States Marshals Service, National Institute of Standards and Technology, United States Forest Service, United States Fish and Wildlife Service, Federal Bureau of Prisons, Bureau of Land Management, and National Park Service.

## **I. BACKGROUND**

2. The FLEWUG's principal mission is to facilitate coordination between public safety agencies at all levels of government in responding to emergency situations and in so doing, maximize these agencies' ability to protect life and property. Given its mission, the FLEWUG has a clear interest in the proceedings related to the development of rules and procedures governing the 2.6 megahertz (MHz) of this spectrum designated for interoperability. For this reason, the FLEWUG has participated directly in the activities of the Public Safety National Coordination Committee (NCC) since the NCC's inception, including development of the recommendations from its first year of NCC activity that are the basis for the Fourth NPRM.

## **II. DISCUSSION**

3. The Commission released the Fifth NPRM on January 17, 2001, based on the comments it received in the Fourth NPRM regarding the migration to the 6.25 kilohertz (kHz) standard on the 700 MHz band General Use channels. The Commission has divided the implementation proposals for the 6.25 kHz standard for General Use channels into two groups. The first group contends that there is no need for migration at all on the General Use channels.<sup>2</sup> The second group proposed a migration path consisting of five stages and requiring 21 years to implement.<sup>3</sup>

4. Under Step one of the Association of Public-Safety Communications Officials-International, Inc. (APCO) migration path, the immediate adoption of Project 25 Phase I as the interoperability standard is necessary. Step two requires that, as of December 31, 2006, or within 6 months after Commission notice, that no fewer than 15 of the top 20 metropolitan areas have been cleared of relevant television stations. In addition, all new radios for use in the band must have the capability to provide one voice channel per 6.25 kHz and meet the Project 25, Phase I standard for Interoperability channels. Step three of the APCO plan requires that within 10 years after Step two that in the top 50 metropolitan areas, all General Use operations must be at 6.25 kHz. Further, Step four of the APCO plan requires that General Use operations must be at 6.25

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<sup>2</sup> See generally Com-Net Ericsson, Nokia, and North American TETRA Forum (NATF) comments to the Fourth NPRM.

<sup>3</sup> See generally APCO, International Association of Chiefs of Police (IACP), Motorola, FLEWUG, Public Safety Wireless Network (PSWN) Program, and Project 25 Steering Committee comments to the Fourth NPRM.

kHz for the rest of the Nation within 15 years after Step two. Finally, under Step five, APCO requests that the Commission reexamine the technological marketplace and determine whether to develop a subsequent migration path.

5. At the outset, the FLEWUG would like to reiterate its support for the APCO five-step and 21-year plan. Most notably, the FLEWUG supports the APCO migration plan because it requires the immediate adoption of Project 25 Phase I as the interoperability standard. The FLEWUG would like to again reiterate its longstanding support for Project 25 Phase I in its entirety.<sup>4</sup>

Moreover, the NCC has recommended, and the Commission agreed, that the Project 25, Phase I standard, which has been approved by the American National Standards Institute (ANSI), be adopted as the digital voice standard for the 700 MHz interoperability spectrum. Further, the Department of the Interior has adopted the Project 25, Phase I standard to be used within the 12.5 kHz channel allocation. The Department of the Interior validated the Project 25, Phase I standard through laboratory and field tests at the National Interagency Fire Center in Boise, Idaho.

6. The NCC has not recommended Project 25, Phase II to date because of potential delays in developing this standard, nor has it advocated the European Terrestrial Trunked Radio (TETRA) standard, which a number of entities had suggested as a possible alternative to Project 25. The NCC declined to recommend TETRA because this standard has not been approved by the ANSI. Moreover, in an effort to address the feasibility and need for a 6.25 kHz channel, APCO has stated that the Project 25, Phase II, 6.25 kHz standard will be backward compatible to the current Project 25, Phase I standard.

7. APCO believes that the adoption of a General Use migration plan would also create incentives for the introduction of 6.25 kHz capable radios, without requiring a specific technology.<sup>5</sup> In order to maintain interoperability, APCO further states that the 6.25 kHz radios would require Project 25, Phase I for 12.5 kHz operation on the interoperability channels. We agree and would like to reiterate our “support for the measured but eventual migration to 6.25 kHz channels.”<sup>6</sup>

8. Regarding a timeline for the migration to 6.25 kHz, the FLEWUG notes that such a timeline would largely be a function of vendor development of compatible and affordable

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<sup>4</sup> See, e.g., FLEWUG Ex Parte Comments, WT Docket Nos. 96–86 and 99–168, December 10, 1999, at Para. 18.

<sup>5</sup> See APCO comments to the Fourth NPRM at 7-10.

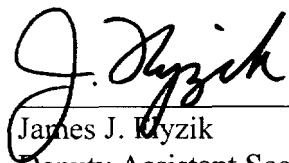
<sup>6</sup> See FLEWUG Reply Comments to the Fourth NPRM at 6.

equipment to operate using a 6.25 kHz channel. In light of this, the FLEWUG believes that Step two of the APCO plan supports this position. Moreover, the FLEWUG believes that Steps three and four are highly speculative and liberal estimates of the time needed to bring about General Use migration. The FLEWUG, however, cautions the Commission that although it will ultimately be necessary to fix a “date certain” for 6.25 kHz migration, the Commission should refrain from establishing a deadline that is too short in duration. Establishing a deadline that does not take into account certain variables such as the 2006 date for the reallocation of the 700 MHz band for the benefit of public safety could result in an unsupportable mandate to the public safety community.

### **III. CONCLUSION**

9. For the aforementioned reasons, the FLEWUG respectfully endorses and requests that the Commission adopt the General Use migration plan submitted by APCO.

Respectfully submitted,

  
James J. Ryzik  
Deputy Assistant Secretary  
(Information Systems) and  
Chief Information Officer,  
Department of the Treasury

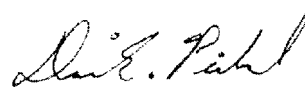
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For Meeting Federal, State and Local ) WT Docket No. 96-86  
Public Safety Agency Communication )  
Requirements through the Year 2010 )  
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**CERTIFICATE OF SERVICE**

I, David E. Pickeral, Associate, Booz Allen & Hamilton Inc., 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Federal Law Enforcement Wireless Users Group's Comments in response to the Commission's Fifth Notice of Proposed Rulemaking regarding the Commission's Notice of Proposed Rulemaking, *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 19<sup>th</sup> day of March 2000.



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David E. Pickeral

## SERVICE LIST

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